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**VIA ECF**

The Honorable Joan M. Azrack  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: Dennis L. D'Aguino, et al., v. Garda CL Atlantic, Inc.  
Docket No. 16-cv-00641 (JMA)(AKT)

Dear Judge Azrack:

This firm represents Defendant Garda CL Atlantic, Inc. (hereinafter, the "Defendant"), in the above-referenced case. We write to object to Plaintiff's request for a pre-motion conference for conditional certification of FLSA claims.

As you may recall, at the June 29, 2016 status conference, pursuant to an agreement among the parties, Your Honor ordered the parties to engage in discovery regarding whether the plaintiffs are exempt from coverage of the FLSA under the motor carrier exemption. Defendant has a very strong defense to coverage, and cited cases where courts have granted motions to dismiss on almost the identical facts. The parties are currently engaged in limited discovery regarding this issue and Defendant intends to file a motion for summary judgment after discovery is complete. Thus, there is no reason to have the parties incur the expense of a motion for conditional certification at this early stage of litigation in this case.

Thank you for your consideration of this matter.

Very truly yours,

LITTLER MENDELSON, P.C.

Lisa M. Griffith

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